

**Grant of Request for Extension of
Small Refinery Temporary Exemption
Under the Renewable Fuel Standards Program
For
HollyFrontier Cheyenne Refining LLC's
Cheyenne, WY Refinery**

**Contains Information Claimed by
HollyFrontier Cheyenne Refining LLC
To be Confidential Business Information**

EPA received a petition from HollyFrontier Refining and Marketing, LLC (“HFRM”), a subsidiary of HollyFrontier Corporation (“HFC”), dated September 2, 2016, for a one-year extension of the RFS small refinery exemption for HollyFrontier Cheyenne Refining LLC’s (HFCR’s) Cheyenne, WY Refinery (the “Cheyenne Refinery”) for its 2015 RFS obligations. EPA denied the petition in a decision issued November 3, 2016. HFRM and HFCR promptly challenged EPA’s denial in the United States Court of Appeals for the Tenth Circuit by filing a petition for review on December 22, 2016.¹ On January 5, 2018, the Court vacated the decision and remanded the matter to EPA for further proceedings consistent with the decision in *Sinclair Wyoming Refining Co. v. EPA*, 874 F.3d 1159 (10th Cir. 2017).² Upon reconsideration, EPA has now reached a different conclusion. For the reasons described herein, EPA is granting HFRM’s request for an extension of HFCR’s RFS small refinery exemption for 2015.

Redacted Material Not Subject to Review Per Court’s 7/23/2020 Minute Order

¹ The deadline for obligated parties to demonstrate compliance with the 2015 annual standards was December 1, 2016.

² *Order on Respondents’ Unopposed Motion for Voluntary Remand and Vacatur, HollyFrontier Refining and Marketing, LLC et al. v. EPA*, No. 16-9564 (10th Cir., Jan. 4, 2018).

Redacted Material Not Subject to Review Per Court’s 7/23/2020 Minute Order

Redacted Material Not Subject to Review Per Court's 7/23/2020 Minute Order

This decision is a final agency action for purposes of CAA section 307(b)(1). Pursuant to CAA section 307(b)(1), judicial review of this final agency action may be sought in the United States Court of Appeals for the appropriate circuit. This action is not a rulemaking and is not subject to the various statutory and other provisions applicable to a rulemaking.